

# FAS

FIELD ADVISORY SERVICES

# FAS TRACK

Defense Civilian Personnel Management Service

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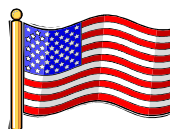
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## ***Life in the FAS Lane...***



The images of the horrific and senseless acts of terrorism committed against the United States of America on September 11, 2001, will be forever etched in our memories. Our hearts and prayers go out to the citizens of Washington D.C., New York City, and Pennsylvania. We offer our most sincere condolences to those mourning the loss of family, friends, associates, and loved ones.

The many tears shed worldwide have strengthened America's resolve to stand united. We will heal--together.

We will defend our freedoms and liberties--together. We will go forward--together.

As the new Chief of FAS, I look forward to working with each of you in resolving the challenges that lie ahead, while finding ways to improve our products and services. I am honored and humbled to have a staff of the most professional, dedicated, "can-do" experts in the business.

Someone once said, "The reward for doing a good job is the opportunity to do more." What more can we do for you? Let us know at [fastalk@cpms.osd.mil](mailto:fastalk@cpms.osd.mil).

Jim Wachter

## New FAS Branch Chief

Johnny McLean has joined FAS as Chief, Benefits and Entitlements Branch. Johnny comes to us from the Agency for International Development (AID), where he served as Deputy Director for Executive Management. At AID, his responsibilities included senior project leader for the Agency's transition team and senior technical advisor and manager of AID's worldwide employee services and benefits program. He has extensive experience in all functional areas of human resources management. Johnny has served as a team leader for a multidisciplinary personnel management staff; Chief, Employee Services Branch; classification specialist; and as a personnel generalist

in a variety of organizations including the National Institute of Environmental Health Services, Research Triangle Park, NC; Department of Energy Oak Ridge Operations, Oak Ridge, TN; Army Research Office, Research Triangle Park, NC; and the Federal Aviation Administration, Washington, D.C. Please join us in welcoming Johnny to the FAS family.

## Phone Refresher

It's time for a refresher on our phone system. Here's how to make it work for you.

**Our Number:** 703-696-6301 or DSN 426-6301

**Advisors:** If you know the advisor's extension, immediately enter the 3 digits. You need not listen to the entire welcome message.

- Not available?
  - ◆ Leave a message,
  - ◆ Select another extension, or
  - ◆ Hold for the main menu to select the Branch and speak to the next available advisor.

### Main Menu:

- To reach the Main Menu quickly and bypass the welcome message press the # key.
- To speak to the next available advisor, select the Branch by number (1-4).  
(See chart on page 23.)
- To request a Fax Document press 5.

- To speak to an advisor by spelling the name press 6.
  - ◆ Use the touchtone keys that correspond to the letters in the name.
  - ◆ Begin with the last name followed by the first name until a match is found.
  - ◆ For the letters Q and Z, use the number 1.

**Help:**

- If you don't know the advisor's extension and/or team, hold on to the line to speak to the next available FAS advisor.

**No extended holding:**

- If you are in the queue for a FAS Branch, you will have an opportunity to leave a message every 30 seconds.
- At the end of 4 minutes, the system will ask you to leave a message. Your call will be returned when the next advisor is available.

For your convenience a chart of phone options has been provided on page 23.



## BENEFITS & ENTITLEMENTS

[benefits@cpms.osd.mil](mailto:benefits@cpms.osd.mil)

### Beneficiary Forms

The recent tragedies involving the Pentagon and the World Trade Center underscore the need for Federal employees to keep their personnel records and beneficiary forms current. Several of the Official Personnel Folders (OPF) reviewed in conjunction with these tragedies did not contain any beneficiary or updated forms.

If an employee does not have a designation of beneficiary form on file, benefits are paid according to the **Order of Precedence**, as follows: first to the spouse; if no spouse, to the child or children (in equal shares) and the descendants of any deceased children; if no children, then to the parents (in equal shares); if no parents, then to the executor or administrator of the estate; if none, then to the next of kin according to state law. An exception to the Order of Precedence is payment of Federal Employees' Group Life Insurance (FEGLI) proceeds to a specific person or persons subject to a court order.

It is not necessary to have a beneficiary form in the OPF if the employee is satisfied with the normal order of precedence. If, however, an employee has completed a designation of beneficiary form in the past, it is his or her responsibility to ensure that the

form shows the desired beneficiary. **A will or last testament does not control how Federal benefits are paid unless the benefits are paid to the estate.** Beneficiary forms may be completed for benefits as follows:

Unpaid compensation that may be due at death, such as unpaid salary, unused annual leave, etc.  <b>Note:</b> This form is valid only for the agency at which the employee completed the form. Transfer to a new agency requires completion of a new form.	SF 1152
Life insurance proceeds under FEGLI  <b>Note:</b> If minor children are designated to receive benefits, a court-appointed guardian will be necessary to receive proceeds; otherwise the Office of Federal Employees' Group Life Insurance will hold proceeds on deposit until the child reaches age 18 or the age of majority based on state law.	SF 2823
Thrift Savings Plan (TSP) Proceeds	TSP 3
Retirement Contributions Lump Sum (when no survivor annuity is payable)	SF 2808 SF 3102

The original copy of the SF 2808 is filed with the Office of Personnel Management (OPM) and the original copy of the TSP 3 is filed with the Thrift Savings Plan Service Office. Employees should keep copies of beneficiary forms accessible to family members.

Human Resources Offices should ensure the beneficiary form is completed, signed, and witnessed and certify receipt. Once these actions are accomplished, the beneficiary forms should be filed in the OPF immediately

for life insurance (SF 2823), Federal Employees Retirement System (FERS) form (SF 3102), and unpaid compensation (SF 1152). The TSP form (TSP 3) should be mailed to TSP, and the Civil Service Retirement System (CSRS) form (SF 2808), mailed to OPM.

## Documenting Personnel Actions

OPM released specific documentation required when producing the SF 50, Notification of Personnel Action, for reservists who are called for Operation Enduring Freedom. The following instructions were established:

**Leave without Pay (LWOP).** LWOP must be documented on an SF 50, Notification of Personnel Action, with nature of action **473/LWOP-US**, and legal authorities **Q3K/5 CFR 353** and **ZJW/Operation Enduring Freedom**. (Note: **ZJW** is a new legal authority that has been established to enable OPM and agencies to identify reservists who are involved in the effort under Operation Enduring Freedom.) These same authorities must also be used upon return to duty (**292/RTD**) when the reservist returns to civilian employment.

## Health Benefits and Life Insurance.

- For those reservists absent for reasons related to military duty who have Federal Employees Health Benefits (FEHB)

coverage, enter in block 45 of the SF 50 remark **B66**:

“Health benefits coverage will continue for 18 months unless you elect to terminate coverage. Contact your servicing Human Resources Office or see the FEHB Handbook at <http://www.opm.gov/insure> for detailed information.”

- For those reservists with FEGLI coverage, enter in block 45 of the SF 50 remark **B72**:

“FEGLI coverage continues until your time in nonpay status totals 12 months. Contact your servicing Human Resources Office or see the FEGLI Handbook at <http://www.opm.gov/insure> for detailed information.”

**Separations.** If the reservist requests separation rather than LWOP, the separation must be documented with nature of action **353/Separation-US**, and legal authorities **Q3K/5 CFR 353** and **ZJW/Operation Enduring Freedom**. Follow the instructions in Chapter 9 or 11 (as appropriate) of *The Guide to Processing Personnel Actions*, to document the reservist’s restoration upon completion of his or her military service.

## Retirement Overload?

OPM is interested in making sure that large groups of retirements are

processed on a timely basis. OPM would like to know in advance if an activity has a large number of retirements due to reduction in force (RIF), early out, or other such action.

If your activity is expecting a minimum of 50 retirements in one month and would like assistance, contact Syrena West, (703) 696-6301, extension 271. At a minimum, a list of retirees would alert OPM to an impending increase in workload, or other special situation.

## Revised Life Insurance Form for Retiring Employees



OPM has revised the SF 2818, Continuation of Life Insurance Coverage as an Annuitant or Compensation, Federal Employees Group Life Insurance Program. Employees completing this form must now choose (and sign for) each type of life insurance coverage they would like to have in retirement or while receiving compensation (Basic, Option A, Option B and Option C). They must choose either “Yes” (they want to have the coverage in retirement or while receiving compensation if they are eligible to do so) or “No” (they do not want to have the coverage in retirement or while receiving compensation). In addition, for Option B and C, they must indicate the number of coverage multiples they want to continue, and whether they want Full Reduction or No Reduction for those multiples. They must also choose the reduction schedule for Basic – either 75%, 50%

or no reduction. The revised SF 2818 is available on the OPM electronic forms page at [http://www.opm.gov/forms/pdf\\_fill/SF2818.pdf](http://www.opm.gov/forms/pdf_fill/SF2818.pdf). (See [Benefits Administration Letter 01-217](#) for additional information.)

## **TSP Hardship Withdrawal Rules Changed**

TSP has changed its rules eliminating the option to transfer financial hardship in-service withdrawals to individual retirement accounts (IRAs). The change is consistent with Internal Revenue Service rules for similar distributions from private sector plans. Age-based, in-service withdrawals continue to be eligible for transfer to an IRA. The change, published August 20, 2001, in the Federal Register, is effective that date.

## **Online Retiree Services**

OPM has a retirement annuity Federal income tax withholding calculator on its web site. Prospective retirees and those who have already retired can use the calculator to determine the amount of monthly Federal income tax withholding. The calculator is available at [http://apps.opm.gov/tax\\_calc/withhold\\_calc/index.cfm](http://apps.opm.gov/tax_calc/withhold_calc/index.cfm). Tables used by the calculator reflect the recent tax reduction.

Once employees retire, they receive a claim and Personal Identification

Number (PIN) that allows them use of the *OPM Services Online* tool to adjust tax withholdings and conduct transactions such as:

- start, change, or stop Federal and State income tax withholdings;
- change mailing address;
- designate or change direct deposit account or financial institution;
- request duplicate tax filing statements (1099Rs);
- change PIN; and,
- buy savings bonds.

Retirees can also use *Services Online* to start, change, or stop allotments. Beginning in 2001, retirees may have a total of two allotments to checking or savings accounts in addition to multiple allotments to charities, savings bonds, garnishments or other court orders, and union dues or other organizational dues. Retirees must receive at least a \$100 per month net annuity payment. Allotments must be for a minimum of \$50 and in whole dollars. Accounts must be maintained at a domestic financial institution. To use *Services Online*, retirees should go to <http://www.servicesonline.opm.gov/main/inris.htm>.





## FEHB Waiver Policy

OPM updated the waiver policy on the 5-year requirement to continue FEHB into retirement.

Under the updated waiver policy, waivers are granted to employees who have been covered under the FEHB Program continuously since October 1, 1996, *or the beginning date of an agency's latest statutory buyout authority*, whichever is later. **For DoD, the beginning date would be October 30, 2000**, based on the passage of Public Law (P.L.) 106-398. A memorandum prepared by the supporting Human Resources (HR) office stating the employee meets the requirements for a pre-approved waiver, as set forth in Benefits Administration Letter (BAL) 00-220, must be attached to the employees retirement application.

The memorandum must also include the number of the Public Law granting Department of Defense (DoD) Voluntary Separation Incentive Pay (VSIP) authority (currently P.L. 106-398) and the beginning and ending dates of the statutory buyout period (October 30, 2000, through September 30, 2003). BAL 00-220 is available at <http://www.opm.gov/asd/htm/2000/00-220.htm>.

## Age 57 - Firefighter Mandatory Separation

The President signed H.R. 93, Federal Firefighters Retirement Age Fairness

Act, on August 20, 2001. This new law raises the mandatory separation age for firefighters from 55 to 57, amending 5 U.S.C. 8335(b) and 8425(b) as follows:

“5 U.S.C. 8335(b) A law enforcement officer, firefighter, or nuclear materials courier who is otherwise eligible for immediate retirement under section 8336(c) shall be separated from the service on the last day of the month in which that officer, firefighter, or courier, as the case may be, becomes 57 years of age or completes 20 years of service if then over that age. The head of the agency, when in his judgment the public interest so requires, may exempt such an employee from automatic separation under this subsection until that employee becomes 60 years of age. The employing office shall notify the employee in writing of the date of separation at least 60 days in advance thereof. Action to separate the employee is not effective, without the consent of the employee, until the last day of the month in which the 60-day notice expires.”

“5 U.S.C. 8425(b) A law enforcement officer, firefighter, or nuclear materials courier who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on

the last day of the month in which that law enforcement officer, firefighter, or nuclear materials courier, as the case may be, becomes 57 years of age or completes 20 years of service if then over that age. If the head of the agency judges that the public interest so requires, that agency head may exempt such an employee from automatic separation under this subsection until that employee becomes 60 years of age. The employing office shall notify the employee in writing of the date of separation at least 60 days before that date. Action to separate the employee is not effective, without the consent of the employee, until the last day of the month in which the 60-day notice expires.”

Effective August 20, 2001, firefighters will not be subject to mandatory separation until age 57. Mandatory separations that were effective prior to passage of this legislation remain valid (i.e., firefighter separations that were effective on or before July 31, 2001). Mandatory separation notices issued, but not yet effective, must be reviewed and determined valid. Examples include:

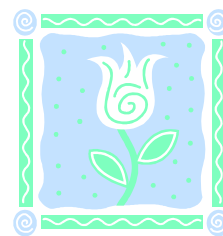
- A firefighter with 25 years of service turned 55 on August 5, 2001. On June 1, the employee received a written notice stating that his mandatory separation would be effective on August 31. This mandatory separation

notice should be withdrawn. Although the firefighter is eligible for immediate retirement, he is not age 57.

- A 57-year-old firefighter will complete 20 years of service on October 5, 2001, and will be eligible for immediate retirement. On August 1, the employee was notified in writing that his mandatory separation would be effective on October 31. This mandatory separation notice remains valid--the firefighter is age 57 and will complete 20 years of service in October. The mandatory separation effective date remains October 31, 2001.

### **George Washington Health Plan**

The George Washington Health Plan recently announced that it will close in early 2002. The plan covers over 33,000 Federal employees in the Washington, D.C. area. Enrollees must change their FEHB during the open season, or they will not have health care coverage in 2002. Currently, this plan has stopped taking new patients, but current members are covered through the end of this year.





## **Federal Erroneous Retirement Coverage Corrections Act (FERCCA)**

On June 20, 2001, OPM announced the selection of Klynveld Peat Marwick Goerdeler (KPMG) to counsel individuals eligible for relief under FERCCA. The selection of KPMG adds another stage to the progression of FERCCA and its intent to provide immediate relief to individuals affected by retirement coverage errors.

OPM identifies the implementation of FERCCA as four interacting and overlapping stages:

- identification
- information gathering
- verification
- counseling

KPMG has started their review of active employees in the database and will be contacting those Human Resources offices that have designated a point of contact for the collection of personnel records.

As a reminder, all employees who feel that they are in the wrong retirement system need to contact OPM to register in the FERCCA Database.

OPM issues a bi-monthly publication, [FERCCA Matters](#), which is designed to keep employees and agency personnel informed of the FERCCA error correction process. To automatically receive this communication and other

updates pertaining to FERCCA, two email subscription lists are available from OPM and are open to anyone who wants to subscribe. You subscribe by following the instructions at:

[http://www.opm.gov/benefits/correction/li  
stserv.htm](http://www.opm.gov/benefits/correction/li stserv.htm)

## **Uniformed Services Thrift Savings Plan (TSP) Participation**

P. L. 106-398 extended participation in the TSP to members of the uniformed services. Uniformed services members will be able to enroll in the TSP for the first time during a special open season beginning on October 9, 2001, and ending January 31, 2002. The Federal Retirement Thrift Investment Board has created a special section on its web site for the uniformed services at <http://www.tsp.gov/uniserv> and published several TSP bulletins directed to uniformed services representatives. These bulletins contain the letter U in the identifier (for example, 01-U-1) to distinguish them. The bulletins are available on the web site under "Info for Service TSP Reps."

The Board has also developed five training courses designed for the uniformed services personnel and payroll representatives who administer the program. Like other TSP courses, they are free and are conducted at the TSP Board's office in Washington, D.C. Any Component interested in hosting an onsite course should contact the Board directly for additional

information (See TSP Bulletin 01-U-2).  
The courses are:

- Overview of the Thrift Savings Plan for the Uniformed Services
- Thrift Savings Plan Withdrawal Program
- Thrift Savings Plan Investment Options and Operations
- Thrift Savings Plan Payroll Operations
- Thrift Savings Plan Error Correction

**FEHB Open Season**  
**November 12, 2001 –**  
**December 10, 2001**  
*Effective January 14, 2002*

## Watching and Waiting

There are numerous bills in the Congress related to retirement. The following is a quick summary with the name of the bills, number of cosponsors, and brief description. You may follow the progress of each at <http://thomas.loc.gov>.



**Bill: S. 1138 - Related to H.R. 1496**  
**Name: Retirement Credit For Certain Government Service Abroad**

A bill to allow credit under the Federal Employees' Retirement System for certain Government service which was performed abroad after December 31, 1988, and before

May 24, 1998. (Introduced in the Senate)

**Co-sponsors: 1**

**Bill: S. 768 - Related to H.R. 136**  
**Name: Computation of Certain Annuities Based on Part-Time Service.**

A bill to amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based (in whole or in part) on part-time service, and for other purposes. (Introduced in the Senate)

**Co-sponsors: 1**

**Bill: S. 611 - Related to H.R. 664**  
**Name: Government Pension Offset Reform Act**

A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation. (Introduced in the Senate)

**Cosponsors: 10**

**Bill: S. 155 – Related to H.R. 2012**  
**Name: Equitable Application of Early Retirement Eligibility Requirements To Military Reserve Technicians**

A bill to amend title 5, United States Code, to eliminate an inequity in

early retirement eligibility requirements for military reserve technicians. (Introduced in the Senate)

**Co-sponsors:** 2

**Bill: H.R. 2355**

**Name: Creditability of Service**

A bill to amend subchapter III of chapter 83 of title 5, United States Code, to make service performed as an employee of a nonappropriated fund instrumentality after 1965 and before 1987 creditable for retirement purposes. (Introduced in the House)

**Co-sponsors:** 2

**Bill: H.R. 1939**

**Name: FERS Redeposit Act**

A bill to amend chapter 84 of title 5, United States Code, to allow individuals who return to Government service after receiving a refund of retirement contributions to recapture credit for the service covered by that refund by repaying the amount that was received, with interest. (Introduced in the House)

**Co-sponsors:** 10

**Bill: H.R. 1073**

**Name: Windfall Elimination**

**Provision Restricted to Total**

**Monthly Amounts in Excess of \$2,000**

A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds \$2,000, and to provide for a

graduated implementation of such provision on amounts above \$2,000. (Introduced in the House)

**Co-sponsors:** 205

**Bill: H.R. 848**

**Name: Social Security Benefits**

**Restoration Act of 2001**

A bill to amend title II of the Social Security Act to eliminate the provision that reduces primary insurance amounts for individuals receiving pensions from noncovered employment. (Introduced in the House)

**Co-sponsors:** 118

**Bill: H.R. 513**

**Name: Fairness for National Guard Technicians Act**

A bill to amend title 10, United States Code, to provide more equitable civil service retirement and retention provisions for National Guard technicians. (Introduced in the House)

**Co-sponsors:** 57

**Bill: H.R. 93 - Related to S. 271**

**Name: Federal Firefighters**

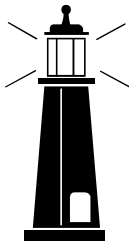
**Retirement Age Fairness Act**

A bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers. (Signed by the President August 20, 2001)

**Co-sponsors:** 67

## Retirement Systems and Benefits Programs (RSBP) Training Seminar

The Benefits & Entitlements Branch will conduct the Retirement Systems and Benefits Programs for Human Resources Specialists at our Rosslyn, Virginia facility during Jan 28 – Feb 1, 2002. This four day seminar is intended to assist individuals in the human resources career field that are new to benefits administration, are making the transition from specialist to generalist, or need an update on the latest developments in the benefits area. The course includes the full range of benefits related subjects, including Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS), retirement coverage, service computation dates, Social Security overview, Thrift Savings Plan, Federal Employees Health Benefits Program, and Federal Employees' Group Life Insurance Program. To register, complete the form in our Guide, "How to Request Benefits & Entitlements Training" on our web site at [http://www.cpms.osd.mil/fas/benefits/b\\_e\\_on.htm](http://www.cpms.osd.mil/fas/benefits/b_e_on.htm). For registration information, please contact Pete Delosh, at (703) 696-1468 or DSN 426-1468.



## Benefits & Entitlements Has Been Asked...

*A Collection of Questions From the Field*

**Q. We are hiring a new employee on a Career Conditional appointment as a Fire Protection Specialist, GS-081-6. The position is a secondary position under FERS special retirement for firefighters. The applicant selected for the position has 4 years active duty military experience. What can we tell him about his retirement plan? Will he be regular FERS (Code K) or FERS Special (Code M)?**

**A.** Your new hire will be regular FERS (Code K) because he has not met the "transfer requirement." The transfer requirement determines if an employee will have special retirement coverage when appointed to an approved secondary position. There are three parts to the FERS transfer requirement; the employee must: 1) move directly from a rigorous position with special retirement coverage to a secondary position (without a break in service of more than 3 days); 2) have completed at least 3 years of service in FERS rigorous positions or CSRS primary positions; and, 3) remain employed in the secondary position or other secondary positions without a voluntary break in service.

Although you consider active duty military service when evaluating the new employee's qualifications, you do not consider the active duty military service when determining special retirement coverage. Military positions are not approved under CSRS or FERS special retirement. This employee does not meet part 1 or part 2 of the transfer requirement; coverage will be regular FERS (code K). (Reference 5 CFR 842.803(b))

*Note: CSRS and FERS have different transfer requirements. The CSRS transfer requirement has two parts: 1) move directly from a primary position with special retirement coverage to a secondary position (without a break in service of more than 3 days), and 2) remain employed in the secondary position or other secondary positions without a voluntary break in service. The requirement for continuous employment (Part 2) applies only to voluntary breaks in service beginning after January 19, 1988. (Reference 5 CFR 831.904)*

**Q. Are employees required to complete an SF 2817 to reduce the multiples of Option B and C at retirement?**

- A. At the time of retirement, all employees should complete the new SF 2818, "Continuation of Life Insurance Coverage," revised May 2001. Previous editions may not be used. If employees check "No" on the new SF 2818 or choose fewer Option B or Option C multiples, they should NOT also complete an SF 2817. The new SF 2818 is sufficient. Completing an SF 2817 to stop life insurance coverage effective at retirement will unnecessarily delay retirement

processing. Employees will continue to use SF 2817, "Life Insurance Election," to cancel FEGLI coverage effective during their employment. [BAL 01-217](#), dated August 29, 2001, provides specific details and instructions on the new SF 2818.

**Q. Are procedures available to notify the Office of Workers' Compensation Programs (OWCP) when an employee clearly is not eligible to continue Federal Employees' Group Life Insurance (FEGLI) as a compensation?**

- A. Yes. BAL 01-216, dated August 21, 2001, provides specific instructions. Human Resources Offices must notify OWCP so that withholdings terminate at the end of 12 months in nonpay status (or upon separation, if that happens first). To notify OWCP, you must complete a Notice of Life Insurance Ineligibility (copy attached to BAL) and send this notice to OWCP at the same time you send the CA-7. OWCP will flag its system to stop the withholdings at the end of 12 months. Also, you must send a copy of the Notice of Life Insurance Ineligibility to the employee. This notifies the employees that their FEGLI will terminate upon separation or completion of 12 months in a nonpay status and that they have the right to convert the coverage. At the end of the 12 months in nonpay status (or upon separation,

if that happens first), you must follow the current procedures for terminations, i.e., give the employee an SF 2819 and SF 2821, so that they have the opportunity to convert the FEGLI coverage.

**Q. Employee is retiring. He has a court order that provides maximum survivor benefits for his former spouse. He is currently married and has FEHB, self and family coverage. Can he elect an insurable interest survivor benefit for his current spouse so she can continue FEHB coverage if he predeceases her?**

**A.** Yes, he can elect an insurable interest survivor benefit for his current spouse and she would be eligible for FEHB. If the retired employee dies, the former spouse will receive the full regular survivor benefit and the current spouse will receive the insurable interest survivor benefit.

The retiring employee could also elect a maximum or partial regular survivor benefit for his current spouse. This option would be less expensive and would also provide FEHB coverage. Under this election, even though no benefits are currently payable to the surviving spouse because of the court-ordered entitlement of the former spouse, the surviving spouse is entitled to FEHB coverage if the annuitant had self and family enrollment. The surviving spouse will pay the premiums directly to

OPM. (CSRS/FERS Handbook  
Chapter 71A2.1-1D)

## **Classifier's Corner**

[classification@cpms.osd.mil](mailto:classification@cpms.osd.mil)

### **GSSG Course**

The Classification section *General Schedule Supervisory Guide* (GSSG) course is designed for experienced specialists and generalists heavily involved in classification. The course includes exercises for each of the six factors described in the Guide, followed by Office of Personnel Management Classification Digest decisions that explain the principles covered in the exercises. Most of the exercises use FAS classification appeal decision cases. If you would like further information on this course, call Diana Ganley at 703-696-6301, extension 311 or email at [diana.ganley@cpms.osd.mil](mailto:diana.ganley@cpms.osd.mil)



## **Classification Has Been Asked...**

*A Collection of Questions From the Field*

**Q. I have to classify some firefighter positions, but I am having problems using the classification standard for the GS-0081 series. One of the typical assignments for a GS-5 Firefighter is described in the standard as fighting fires in an installation**



**environment equivalent to Degree C of Factors 1 and 2, Part I. A lot of different situations are described for Degree C. How many need to be met for a grade of GS-5?**

- A.** In the Position Classification Standard for GS-0081, Fire Protection and Prevention Series, Factor 1 of Part I measures the nature and variety of fire hazards, while Factor 2 of Part I measures the potential severity of fires. Several situations are described for each degree of each factor. The instructions for using Part I state that “the examples of work situations included at each factor level illustrate the concept of the level of difficulty.” The examples illustrate the factor level criteria. The factor level criteria do not require that a position contain a minimum number of examples to credit a given degree. Thus, the presence of any one of the example situations would serve as the basis for evaluating a position at Degree C, as long as the overall intent of the factor level is met.

**Q. Are all classification appeals required to go through the personnel office, or will the Department of Defense (DoD) accept some directly?**

- A.** All classification appeals to DoD must be submitted through the appellant’s Civilian Personnel Office/Human Resources Office to the DoD Civilian Personnel

Management Service. This procedure is in accordance with the DoD Civilian Personnel Manual, 1400.25-M, Subchapter 511. It ensures that appeal files contain all required information.

**Q. What classification standard is used to classify positions primarily responsible for sign language interpretation?**

- A.** The OPM Classification Standard for the GS-1040, Language Specialist Series, is used to classify positions that are primarily responsible for administering, supervising, or performing work in changing spoken or written language from a foreign language into English or from English into a foreign language, where the objective is accurate translations or interpretations. Sign language interpretation is comparable to foreign language interpretation. On this basis, the GS-1040 classification standard is applicable in grading positions that are primarily responsible for sign language interpretation.

**Q. Can I designate an employee as Fair Labor Standards Act (FLSA) exempt--that is, not covered by provisions of the FLSA--without reviewing the position description?**

- A.** Prior to determining whether a position is exempt from the provisions of the FLSA, the Human Resources Specialist should review

the position description and evaluation statement to determine that they are accurate and correct. Since FLSA designations ultimately rest on the duties actually being performed by the employee, interviews with the employee and/or the supervisor are advisable.

**Q. If a nonsupervisory GS-11 Public Affairs Specialist spends 20 to 25% of the time acting in the absence of the GS-12 supervisor (the Public Affairs Officer), should the GS-12 supervisory duties be used as a basis to upgrade the nonsupervisory GS-11 position to the GS-12 level?**

**A.** No. Duties performed in the absence of another are considered temporary duties and do not influence the overall classification of a position.

## **PAY & HOURS**

[pay@cpms.osd.mil](mailto:pay@cpms.osd.mil)

### **Payment of Recruitment and Relocation Bonuses and Retention Allowances to Prevailing Rate Employees**

On July 20, 2001, OPM issued final regulations to allow agencies to pay recruitment and relocation bonuses and retention allowances to prevailing rate (wage grade) employees. The Military Departments and Defense agencies now have the authority to use these

incentives for wage employees. The modern Defense Civilian Personnel Data System (DCPDS) has been modified to process personnel actions to authorize these payments for wage employees.

Recruitment and retention incentives must be calculated as a percentage of the employee's rate of basic pay, not to exceed 25 percent. For this purpose, "rate of basic pay" means the employee's rate of pay before deductions and *exclusive* of additional pay of any kind, such as night shift differential or environmental differential. The existing payment criteria, procedures, and documentation requirements outlined in 5 CFR Part 575, Subparts A, B, and C, also apply to wage employees.

### **Scheduling Annual Leave**

The leave year ends on January 12, 2002. Annual leave that an employee forfeits due to sickness or an exigency of the public business may not be considered for restoration unless the leave is approved in writing before December 1, 2001. Advance scheduling of annual leave is a prerequisite for the restoration of forfeited leave.

Management and employees should work together to assure that annual leave is scheduled for use during the year. This will prevent situations where employees approach the end of the leave year with a significant

amount of annual leave that must be used or forfeited. If an exigency occurs during the year resulting in the cancellation of scheduled leave, action must be taken to reschedule the leave for use before the end of the leave year to avoid forfeiture.

## **Danger Pay**

The Secretary of State approved a 25 percent danger pay allowance under Section 652f of the Department of State Standardized Regulations (DDSR) for Gaza Strip, West Bank and the Former Yugoslav Republic of Macedonia, effective August 2, 2001. Danger pay allowances provide additional compensation to Federal employees serving in foreign areas where civil insurrection, civil war, terrorism, or wartime conditions exist. Employees on temporary detail for four consecutive hours or more receive danger pay for the full day.

## **Pay Setting Seminars**

The Pay Team will present a 2-day seminar that covers the essentials of pay setting for General Schedule and Federal Wage System employees on these dates:

January 16-17, 2002  
April 17-18, 2002

This training is appropriate for personnelists and generalists who have at least six months of pay-setting experience. The objectives of the seminar are: 1) to apply a better understanding of basic Government-

wide and DoD pay-setting policies and flexibilities; 2) to set pay for various types of personnel actions; and 3) to improve accuracy and consistency in pay setting. The seminars will be presented through lecture, classroom discussion, and workshop exercises. Each participant will receive a handbook that can be used as a desk reference.

There is no tuition for the training; however, attendees will be responsible for their travel and per diem expenses, if applicable. The seminars will be held at 1400 Key Boulevard, Arlington, Virginia, which is convenient to the Rosslyn metro stop. Seating is limited so if you are interested in attending one of these seminars, please call Lee Kara on the Pay Team at (703) 696-6301, ext. 531, or DSN 426-6301, ext. 531, as soon as possible to reserve a space.

## **Pay Has Been Asked...**

*A Collection of Questions From the Field*

**Q. We have an employee who is on a temporary appointment that is limited to one year. She has three months of Federal service. The employee has requested time off under the Family Medical Leave Act (FMLA) to provide care for a family member with a serious health condition. Is she entitled to leave without pay under FMLA?**

**A.** Most Federal employees are covered under Title II of the FMLA, which is incorporated in

Title 5, Chapter 63, Subchapter 5 of the United States Code. An employee serving under a temporary appointment with a time limitation of one year or less is excluded from coverage under Title II of the FMLA, but is covered under Title I of the FMLA and the Department of Labor implementing regulations at 29 CFR 825.109(b)(4).

To take FMLA leave under Title I, an individual must meet the following eligibility criteria at 29 CFR 825.110(a): (1) employed by the employer for at least 12 months; (2) employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and (3) employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite. For the purpose of determining the employee's eligibility, the U.S. Government constitutes a single employer. An employee who fails to meet all of the criteria is ineligible for leave under title I of the FMLA. In this case, the employee may not take FMLA leave because she has not met the 12-month service requirement.

**Q. Can you give an example of an employee serving under a temporary appointment not to exceed one year who would meet the requirement of having been**

**“employed by the employer for at least 12 months?”**

**A.** An employee who has completed 12 months under a temporary appointment and who is converted to another time-limited appointment not to exceed 1 year without a break in service would meet the requirement. Although the initial temporary appointment may be limited to one year or less, the employee would meet the 12-month service requirement for eligibility under title I of the FMLA.

**Q. Are temporary employees serving in positions at overseas locations eligible for leave under the FMLA?**

**A.** Employees at overseas locations (i.e., outside the United States or any territory or possession of the United States) serving under temporary appointments limited to one year or less are excluded from FMLA coverage (29 CFR 825.105(b)).

**Q. Is the new Information Technology Management Series, GS-2210, covered under the Information Technology special rates tables 999A-999F?**

**A.** Yes. OPM has amended the IT special rate tables to include the new IT Management Series, GS-2210. The amended IT special rate tables may be obtained from <http://www.opm.gov/oca/01tables/SSR>

## **Delegated Examining & Overseas Staffing**

[deu@cpms.osd.mil](mailto:deu@cpms.osd.mil)

### **Interagency Career Transition Assistance Plan (ICTAP) "Well-Qualified" Definition**

During our Staff Assistance Visits we have found a wide variety of definitions for "well-qualified" ICTAP eligibles in vacancy announcements. The best ones are very specific and use rating point levels in the definition. While the level of expertise is discretionary, DoD Components have used 85 points and others have used 90 points. These are fine so long as you advertise the requirement and are consistent in applying it.

The definitions you will have trouble applying consistently are "above average" and "well qualified." If you are using similar terms, rather than a specific point level for your ICTAP "well-qualified" definition, a change to a point-specific definition is in order. If you should have to defend your decision regarding referral of an ICTAP applicant, a specific point-level definition will make your job much easier.

### **Changes in Dual Certification Requirements**

Beginning September 4, 2001, applicants must be referred for each

grade, occupational specialty, and geographic location for which they apply, are eligible, and are within reach. This important change was issued by the Office of Personnel Management (OPM) in a memorandum dated August 14, 2001, and supercedes current guidance on dual certification in the Delegated Examining Operations Handbook.

The OPM memorandum with questions and answers is available at [http://www.cpms.osd.mil/fas/staffing/pdf/dual\\_cert.pdf](http://www.cpms.osd.mil/fas/staffing/pdf/dual_cert.pdf).

If you do not have Internet access, but would still like a copy, you may call the Field Advisory Services FAX BACK Center on DSN 426-6301 or 703-696-6301 to have the document faxed to you. Press 5 for "FAX BACK or News Bulletins" and then press 1 for FAX Documents. Document number 1007 contains the memorandum and associated question and answer sheet.

### **What Was That About a Hobgoblin?**

You may have heard or read "consistency is the hobgoblin of little minds." The correct quote from Ralph Waldo Emerson reads: "A foolish consistency is the hobgoblin of little minds." Knowing that you are not foolish, let's talk about consistency. It can be your best friend in delegated examining. It might even be your salvation, if your actions or decisions are ever challenged.

Treating each applicant the same and recording the actions you take throughout the recruitment and hiring process is the key to high-quality examining that will withstand review. Consistency is particularly important in the following examining procedures: accepting applications; evaluating qualifications; seeking additional information from applicants; adjudicating veterans preference; and documenting examining case files.

If you are ever asked to defend your examining actions, being able to show that you treated all applicants equitably at each step of the process will be invaluable. Being able to reconstruct what you did and when you did it will be of equal value. Documenting your case file or register will take care of the need to reconstruct your actions for an applicant or reviewer.

One last thought: performing good work consistently is its own reward. Reward yourself--consistently.

## **Examining for Trades and Labor Occupations**

When reviewing Delegated Examining Units (DEUs) on Staff Assistance Visits, we look carefully at the wage grade (WG) or Federal Wage System fill process. We check to make sure proper examining procedures are in place. These procedures include use of:

- Job elements prescribed by *OPM Job Qualification System for Trades and Labor*

*Occupations: Handbook X-118C*;

- The mandated screen out element in announcing the vacancy and evaluating applications;
- The required rating guides found in the *OPM Internal Qualification Guides for Trades and Labor Jobs*; and
- The transmutation table identified for wage grade examining.

If the references, terminology, or procedures mentioned in this article are not familiar to you, it is probably time to review them and your WG examining process to make sure it conforms to OPM requirements.

Handbook X-118C is available on the OPM web site at

[www.opm.gov/qualifications/x-118c](http://www.opm.gov/qualifications/x-118c).

It describes how to determine the qualifications for WG occupations and how applicants' skills, knowledge, and abilities are rated against OPM-approved sets of job elements. The approved job elements are suitable for most local needs. Except for the screen-out element, they may be modified, but only in limited circumstances with documented justification. The handbook also contains the OPM-developed transmutation table for converting applicant raw scores for Federal Wage System jobs. (Note: The transmutation table in Appendix F of the *OPM Delegated Examining Operations Handbook* can be used only for General Schedule positions.)



If you do not have a copy of the *Internal Qualification Guides for Trades and Labor Jobs*, containing specific rating guides and detailed procedures for determining applicant qualifications for Federal Wage System jobs, ask your supporting OPM regional service center for one. It contains rating guides and is not available via the World Wide Web.

## Labor Relations

[labor@cpms.osd.mil](mailto:labor@cpms.osd.mil)

## Labor Has Been Asked...

*A Collection of Questions From the Field*

**Q. Our collective bargaining agreement allows union representatives to take part in various representational activities, including meetings with management officials. Our union has elected a former employee to act as its representative. Are we bound to recognize that designation?**

**A.** Yes. With few exceptions, the union is entitled to select the individual(s) who will perform representational functions.

The Federal Labor Relations Authority (FLRA) has stated on numerous occasions that it is within the discretion of both agency management and labor organizations holding exclusive recognition to designate their

representatives when fulfilling their responsibilities under the Federal Service Labor-Management Relations Statute (the Statute). Title 5, U.S.C., Section 7102 provides, "Each employee shall have the right to form, join or assist a labor organization..." and the FLRA has interpreted that this right encompasses a union's right to designate its representative, including a non-employee who will have access to an agency's premises to conduct representational activities. (See American Federation of Government Employees and U.S. Air Force, Air Force Logistics Command, Wright-Patterson Air Force Base, Ohio, 4 FLRA 272 (1980).)

This right is not absolute. Consistent with section 7102 of the Statute, an agency has the right to deny access to its premises to a non-employee union representative for remarks or actions that constitute flagrant misconduct. (See Indian Educators Federation and Bureau of Indian Affairs, Isleta Elementary School, Pueblo of Isleta, NM, 54 FLRA 1428 (1998).) Additionally, the FLRA has suggested that a serious abridgement of facility security requirements may also curtail this right.

An agency and union may set forth in an agreement specific procedures for union access to the agency premises. The limitations imposed by that contractual agreement may

be the basis of a defense for denial of access. (See Army and Air Force Exchange Service (AAFES), Lowry AFB Exchange, Colorado, 13 FLRA 310 (1983).)

## Civilian Assistance and Re-Employment (CARE)

### Voluntary Early Retirement Authority (VERA) Fiscal Year 2002

The Office of Personnel Management (OPM) has delegated the Department of Defense (DoD) the authority to approve early retirements for Fiscal Year (FY) 2002. This authority is for use with traditional downsizing actions, e.g., reductions in force, transfers of function, and reorganizations. (Upon reaffirmation of the special workforce restructuring buyout authority by the 107<sup>th</sup> Congress, separate guidance and procedures will be disseminated regarding offers of early retirement and buyout for workforce restructuring purposes.)

As in previous years, OPM has granted the authority for application only during the FY. Under this new authority, voluntary early retirements

may be offered October 1, 2001, through September 30, 2002. A copy of the DoD guidance for requesting and implementing VERA within your agency and a copy of the OPM, July 24, 2001, authorization letter are available at:

<http://www.cpms.osd.mil/care/index.html>.  
(Please click on Other CARE Tools.)

The guidance is similar to instructions provided in previous years. Upon DoD approval, activities may continue to offer targeted, early retirements within established window periods. As with the FY 2001 VERA requests, targeting may be based on any combination of organizational components, geographic areas, occupational series or grade levels, or other nonpersonal and objective factors. Please contact the CARE Division Staff at (703) 696-1799 (DSN Prefix 426), if you have any questions.

## CPMS EMPLOYMENT CORNER

CPMS job vacancies are posted on the Human Resources Operations Center (HROC) job opportunities web site at <http://www.hroc.dla.mil/joas> and on the OPM jobs bulletin board at <http://www.usajobs.opm.gov>.



JAMES A. WACHTER  
Chief, Field Advisory Services  
Defense Civilian Personnel Management Service

## QUICK CHART

<b>How to reach FAS: 703-696-6301 or DSN 426-6301</b>		
<b>To Connect to</b>	<b>Enter or press</b>	<b>Enter or press</b>
Advisor	3 digit extension	
Main Menu	#	
Branch	# + number	
	1 – Benefits	
	2 – Classification & Pay	1 – Classification 2 – Pay
	3 – Labor & Employee Relations	
	4 – Staffing & Development	1 – Delegated Examining 2 – Overseas Employment 3 – Staffing Advisory 4 – Employee Development
Fax Documents & News Bulletins	# + 5	1 – Fax Documents 2 – News Bulletins
Spell by Name	# + 6	